

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA 23-

Introduced by Commissioner

RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF HAYWARD AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO THE DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT FOR THE A & WALNUT/SEQUOIA GROVE HABITAT FOR HUMANITY HOUSING DEVELOPMENT AND AFFIRMING THE MITIGATED NEGATIVE DECLARATION WHICH WAS PREPARED FOR THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the Housing Authority of the City of Hayward (the "Authority") was formed to provide decent, safe and sanitary housing in the City of Hayward, and is designated as the housing successor to the dissolved Redevelopment Agency of the City of Hayward (the "Dissolved Agency") pursuant to California Health and Safety Code Section 34176; and

WHEREAS, the City of Hayward (the "City") adopted the Downtown Hayward Redevelopment Plan (the "Redevelopment Plan") and the Redevelopment Plan sets forth a plan for redevelopment of the Downtown Hayward Redevelopment Project Area (the "Project Area"); and

WHEREAS, the Dissolved Agency acquired that certain property located at 123-197 "A" Street in the City of Hayward, California (the "Property"), located in the Project Area, with funds from the Dissolved Agency's Low and Moderate Income Housing Fund established pursuant to California Health and Safety Code Section 33334.2; and

WHEREAS, the Dissolved Agency deeded the Property to the City and the City subsequently deeded the Property to the Authority, with the Authority acting in its capacity as the housing successor to the Dissolved Agency; and

WHEREAS, on September 3, 2014 the Authority and Habitat For Humanity East Bay/Silicon Valley, Inc. ("Habitat") entered into that certain Disposition, Development and Loan Agreement, as amended by that certain First Amendment to Disposition, Development and Loan Agreement, dated as of March 29, 2019 (the "First Amendment"), as amended by that certain Second Amendment to Disposition, Development and Loan Agreement, dated as of June 20, 2022 (the "Second Amendment"), and amended by that certain Operating Memorandum No. 1 to Disposition, Development and Loan Agreement, dated April 1, 2023 (the "Operating Memorandum") (collectively, "DDLA"), pursuant to which the Authority intends to sell the Property to Habitat and provide a loan in the amount of Eight Hundred Thousand Dollars (the "Authority Loan") to Habitat for the

development of ten (10) units of affordable ownership housing that will be affordable to low income households (the "Development"); and

WHEREAS the City prepared and by resolution No. 15-019 approved the Mitigated Negative Declaration studying the environmental effects under CEQA for the project, of which the DDLA is a part, and thereby evaluated the environmental effects of the DDLA; and

WHEREAS the City Council determines that no further CEQA analysis is required pursuant to 14 California Code of Regulations Section 15162 because there have not been substantial changes: (1) in the improvements proposed to be funded under the DDLA; or (2) with respect to the circumstances under which the proposed project is being implemented, and (3) there has not been the appearance of new information which was not known and could not have been known as of the date of the DDLA; and

WHEREAS, Habitat has submitted a revised Financing Proposal. Pursuant to Sections 2.4 and 5.11 of the DDLA, the Financing Proposal may be revised from time to time and, with the approval of the Authority, will be referred to as the Financing Plan; and

WHEREAS, Habitat has submitted a revised Scope of Development and Concept Drawings. Pursuant to Section 2.3 of the DDLA, the Scope of Development, the Concept Drawings, and the Schematic Design Drawings shall establish the baseline design standards for the Development; and

WHEREAS, Habitat and the Authority have determined that it would be mutually beneficial to modify the conditions of transfer to allow early transfer of the property to Habitat, extend the time frames for performance under the DDLA, make changes necessary to comply with the terms of the City's Affordable Housing Ordinance, and make conforming non-substantive changes to effectuate the purpose of the DDLA as modified by this Amendment; and

WHEREAS, the Authority now desires to amend the DDLA to allow for: (1) the modification of the conditions of transfer; (2) approve the revised Financing Plan; (3) approve the revised Scope of Development and Concept Drawings; (4) extend the term and performance milestones set forth in the DDLA; (5) include a reversionary clause that would revert the Property back to the Authority should Habitat be unable to meet the obligations set forth in the DDLA; (6) make other conforming changes to the DDLA necessary to comply with the terms of the City's Affordable Housing Ordinance, Chapter 10, Article 17 of the Hayward Municipal Code); and (7) make other conforming non-substantive changes to effectuate the purpose of the DDLA as amended.

NOW THEREFORE, the Authority Board does hereby finds, determines, resolves and orders that the Recitals above are true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the Authority hereby approves a further amendment to the DDLA as set forth herein and all ancillary documents consistent with this Resolution and authorizes the Executive Director to negotiate and execute such amendment in a form approved by the Authority's General Counsel.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

HAYWARD, CALIFORNIA, NOVEMBER \_\_\_\_, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: \_\_\_\_\_  
Miriam Lens, Secretary of the  
Housing Authority of the City of  
Hayward

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Michael S. Lawson, General Counsel of the  
Housing Authority of the City of Hayward